



Sudan: Open letter to the United Nations Security Council

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Your Excellency,

One year ago, the International Criminal Court (ICC) issued arrest warrants against Ahmad Harun and Ali Kushayb for their alleged role in war crimes and crimes against humanity in Darfur. On the anniversary of their issuance, we write to you to urge the Security Council to take immediate steps to ensure the prompt arrest and surrender to the ICC of these two suspects.

As you will know, three years ago, the UN Security Council moved towards ensuring justice for the victims of horrific crimes in Darfur when it decided to make its first ever referral to the ICC. However that step risks being completely undermined if the Security Council fails to respond to Khartoum's ongoing and flagrant defiance of the Court.

On March 31, 2005, when the Council referred the situation in Darfur to the ICC under resolution 1593, it imposed on Sudan a binding legal obligation to cooperate with the Court. On April 27, 2007, the ICC Pre-Trial Chamber issued arrest warrants for two men, Ahmad Harun and Ali Kushayb, charging them with 51 counts of war crimes and crimes against humanity for their leading roles in a series of attacks against civilians in West Darfur in 2003 and 2004. The charges include acts of murder, persecution, torture, rape and forcible displacement.

Since the referral, the government of Sudan has repeatedly refused to cooperate with the Court. In the year since the warrants were issued, Sudanese authorities have not only refused to arrest and hand over the two suspects, they have given one of them increasingly prominent public positions and released the other from prison. Ahmad Harun has been promoted to State Minister for Humanitarian Affairs, responsible for the well being of the very victims of his alleged crimes, and is now a key liaison to the United Nations - African Union peacekeeping force (UNAMID) in charge of their protection. In September 2007, he was reportedly appointed to a committee in charge of hearing complaints of victims of human rights abuses in Sudan. In October 2007, the Sudanese Minister for Foreign Affairs announced that Ali Kushayb – who was in Sudanese custody on other charges at the time the warrants were issued – had been released for alleged lack of evidence.

When the ICC prosecutor last briefed the UN Security Council in December 2007, he set out very clearly Khartoum's complete and persistent failure to cooperate with the Court.

In response, each of the ten ICC state parties on the Security Council issued strong statements of condemnation, but the Council as a whole failed to follow up with any real action to support the prosecutor's work. The prosecutor is due to report again in June 2008. At that time, the Security Council should ensure that the government of Sudan is no longer able to continue obstructing justice and flout the will of the Council without consequences.

The "Justice for Darfur campaign", a group of human rights organizations from around the world, has come together today to call on the Security Council and the international community as a whole to ensure the prompt arrest and surrender to the ICC of these two suspects.

We urge the Security Council to finally deliver on its promise to provide justice for the victims of human rights abuses in Darfur. To do so the Council should:

- **On the occasion of the ICC prosecutor's briefing to the Council in June, issue a resolution recalling that Sudan has a legal obligation to cooperate with the ICC under resolution 1593 and requiring that it immediately arrests Ahmad Harun and Ali Kushayb and surrenders them to the Court;**
- **Ensure that when the Council undertakes its next visit to Sudan, cooperation with the ICC is a key point on its agenda, with clear and public calls on the Sudanese government to cooperate with the Court.**

Three years ago the Security Council made a historic move by referring the Darfur situation to the ICC, a move that showed its commitment to pursuing peace in the region and justice for the victims of atrocities. The Council should now honor that commitment and finally put an end to Khartoum's flagrant disregard for the ICC, the UN Security Council, and the victims themselves.

Sincerely,

The "Justice for Darfur" campaign:

Anne-Cécile Antoni, President, **Action des chrétiens pour l'abolition de la torture - France**

Nasser Amin, Director General, **Arab Center for the Independence of the Judiciary and the Legal Profession**

Dr James Smith, Chief Executive, **Aegis Trust**

Widney Brown, Senior Director, International Law, Policy and Campaigns, **Amnesty International**

Nabeel Ahmed Rajab, Vice President, **Bahrain Centre for Human Rights**

Abdulla Alderazi, General Secretary, **Bahrain Human Rights Society**

Moataz El Fegiery, Executive Director, **Cairo Institute for Human Rights Studies**

Ljubomir Mikic, President, **Center for Peace, Legal Advice and Psychosocial Assistance – Vukovar**

Oby Nwankwo, Executive Director, **The Civil Resource Development and Documentation Centre**

William Pace, Convenor, **Coalition for the International Criminal Court**

Jacky Mamou, President, **Collectif Urgence Darfour**

Dismas Nkunda, Co-Chair, **Darfur Consortium**

Khatir M Kayabil, Secretary General, **Darfur Union UK**

Souhayr Belhassen, President, **Fédération Internationale des ligues des Droits de l'Homme**

Betsy Apple, Crimes against Humanity Program Director, **Human Rights First**

Richard Dicker, International Justice Program Director, **Human Rights Watch**

Caroline Wojtylak, Director, **International Criminal Court Student Network UK**

Farouk Bagambe, chairperson, **Kalangala District NGO Forum - Uganda**

Karam Saber, Executive Manager, **Land Center for Human Rights**

Jiri Kopal, Chair, **League of Human Rights, Czech Republic**

Hassan Greeve, Chairman, **Prepared society Kenya**

Chris Baruti, Board Member, **Recherches et Documentation Juridiques Africaines**

Tara Tavender, Executive Director, **Save Darfur Canada**

Tilman Zülch, President, **Society for Threatened Peoples International**

Adetokunbo Mumuni, Executive Director, **Socio-Economic Rights & Accountability Project**

Yoni Levitan, Executive Director, **Students Taking Action Now: Darfur - Canada**

Isobel Renzulli, Project Coordinator, **Sudan organization against Torture**

Hillel Neuer, Executive Director, **UN Watch**

Louise Roland-Gosselin, Director, **Waging Peace**